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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,906	07/11/2003	Michael E. Bausch	230114US26	2488

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,906	Applicant(s) BAUSCH ET AL.	
	Examiner Susan S. Lee	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-22 is/are pending in the application.

 4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-15 is/are allowed.

6) ☒ Claim(s) 16 and 17 is/are rejected.

7) ☒ Claim(s) 18-22 is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. ____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 10/17/2003.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to because the numbers used for labeling should be machine printed not handwritten. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 16 is objected to because of the following informalities:

As to claim 16, line 11, "first cover" should be - - first cover means - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ban et al. (5,974,286).

As to claim 16:

Ban et al. discloses a toner supply container 1 for supplying toner 11 to a toner hopper 6 of an image forming apparatus. Note column 1, lines 9-13. The toner supply

container with a main portion comprises a toner storing portion 1a and the flange portion 1b. A seal film 4 reads on the instant invention's "means for sealing"; and a top piece 2 of a shutter reads on the instant invention's "first cover means". Note column 11, lines 12-44. After completion of toner discharge, the hopper lid 7 is closed, the seal film 4 is passed between two knobs 7e and is pulled back into the gap between the top and bottom pieces 2 and 3 of the shutter. Thus, hopper lid 7 and the top and bottom pieces 2 and 3 of the shutter are moved together in the closing direction. Note column 11, line 66 – column 12, line 9.

As to claim 17:

Ban et al. discloses a toner supply container 1 with a main portion comprising a toner storing portion 1a and the flange portion 1b. The toner supply container has a shutter with bottom piece 3 that reads on the instant invention's first cover and a top piece 2 that reads on the instant invention's second cover. Claws 3a, ribs 3b, and ribs 2b read on the instant invention's first cooperating features. Note column 8, lines 15-62. When the toner supply container is unsealed, the first cover 3 of the shutter, which is integrally joined with the second cover 2 of the shutter, are pulled out as a seal film 4 is peeled away. Thus, a hopper lid 7 to be opened, all at once. Note column 15, lines 50-65. The toner 11 stored in the toner supply container 1 to be discharged into the toner vessel of the hopper 6. Note column 11, lines 35-44.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (5,999,770).

Li discloses a developer container for use with a developer replenishing device in a copier, printer, or similar electrophotographic image forming apparatus. This developer container has a container body 1 with a developer storage chamber 11, a bottom developer supply hole 12, sliding grooves 13, a sliding cover 2, and a carrier 3. The carrier 3 reads on the instant invention's first cover, the sliding cover 2 reads on the instant invention's second cover, and a sealing membrane 22 reads on the instant invention's "means for sealing" in claim 16. The plurality of holes 21 and plurality of hooks 31 read on the instant invention's first cooperating features. When a handhold 32 is pulled outwards with an operator hand, the second cover 2 is moved out of the bottom developer supply hole 12 with the first cover 3, and at the same time the sealing membrane 22 is pulled away from the bottom developer supply hole 12 for enabling contained developer to be supplied out of the developer storage chamber 11. Note column 2, lines 3-41. When the first cover 3 is pushed backwards, the second cover 2 is moved with the second cover 2 is moved with the first cover 3 into the inside of the sliding grooves 13, and the sealing membrane 22 is pushed back to close the bottom developer supply hole 12 again. Note column 2, lines 33-41.

Allowable Subject Matter

Claims 1-15 are allowed over the prior art of record.


Claims 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elich et al., Wang et al., Kurz et al., and Wang et al. disclose art in toner supply cartridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 571-272-2136 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan S. Lee
Primary Examiner
Art Unit 2852

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